



The Florida Senate

Interim Project Report 2000-59

August 1999

Committee on Judiciary

Senator John Grant, Chairman

ALTERNATIVE METHODS FOR CIVIL CASE MANAGEMENT BY THE COURTS

SUMMARY

This report examines the computerized case management systems employed in the civil divisions of each of Florida's 20 circuits. Currently, only six of the 20 circuits utilize some type of computerized system to track and manage cases in the civil division. Two of the six circuits are in the process of establishing integrated, client-server network based systems which will allow useage by the court, clerk, state attorney, public defender, sheriff, and other entities that participate in the judicial system. This report recommends review of the impact of these two systems, as well as a complete study of the feasibility and advisability of instituting such systems in each of Florida's 20 circuits.

BACKGROUND

It is common knowledge that the population of the State of Florida has increased exponentially since 1980. According to the 1972 and 1997 Florida Vital Statistics Annual Reports, since 1969 when the Legislature created the last judicial circuit, Florida's population has grown from 6.8 million to 14.8 million. Correspondingly, Florida's trial courts have also experienced an increase in circuit and county court filings in all divisions--criminal, civil, family, juvenile and probate. The trial courts' caseloads have steadily increased. According to the Office of the State Courts Administrator, the projected 1999 case filings for circuit and county court totaled 864,320 up from 807,696 in 1996 and 1,106,535 up from 1,065,992 in 1996, respectively. Along with the increased number of filings, specialized programs, commonly referred to as "drug courts", "repeat offender courts", "domestic violence courts" and others have been created in an attempt to effectively manage ever increasing court filings and over-burdened dockets.

The primary task of courts is to resolve the matters that come before them in a just, prompt, and efficient

manner. *See* section 43.26(2)(f), F.S. Case, or caseload management involves the use of available resources to facilitate that task of just, prompt, and economical resolution of disputes. Effective caseload management can make a major difference in a court's ability to handle its caseload effectively. There are numerous examples of trial courts that have markedly reduced case-processing times and pending caseloads through the use of caseload management. Additionally, there are a number of examples of courts whose effectiveness in caseload management has enabled them to maintain an expeditious pace of litigation in the face of sharply rising caseloads. *See* Barry Mahoney et al., *Changing Times in Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988).

Effective caseload management programs are comprehensive and consist of several key elements ranging from leadership in the court to case management procedures. One of the primary elements of effective caseload management is the availability of timely and accurate information. The completeness, accuracy, and timeliness of the information is important for both case-level decision making and for overall system management.

In 1993, a Judicial Workload and Resource Study White Paper was prepared as the result of a study conducted by the Florida Supreme Court's Court Statistics and Workload Committee in conjunction with the Office of the State Courts Administrator. Case management policies and systems of each of Florida's 20 circuit courts was one of the areas studied. The White Paper indicated that the prevalence of computers, provided mostly through county funds, dramatically increased the productivity of judicial support staff. Additionally, the White Paper reported that case management software, where employed, helped judges increase the quality of the decisions they make, as well as speed the production by staff of written documents and increase the ease of calendaring. The White Paper concluded that there "...is

a need to study trial court technology and information support for judges including case management calendaring systems, legal research support, database access,...electronic mail...system access by other agencies, public records access, and electronic filing.”

Comprehensive reviews of Florida’s court system’s organization, jurisdiction, performance and policies are already underway. The Florida Supreme Court has established a number of committees to examine specific court issues. For example, the Judicial Management Council’s Committees on Trial Court and District Courts of Appeal Performance and Accountability are responding in part to the legislative directive for the state court system to submit performance-based budgeting programs by January 15, 2000, and measures and standards by September 1, 2000. *See* ch. 94-249, L.O.F. The work of the Supreme Court’s Article V Funding Steering Committee will dovetail in part with the Legislature’s full review of the courts for purposes of implementing 1998 Article V changes to shift incrementally major operational costs of Florida’s judicial system from the counties to the state. Additionally, in response to a 1998 legislative appropriation based on an OPPAGA report recommendation (Report 97-67), the Florida Supreme Court’s Delphi Policy Committee is developing a caseload weighting system to determine judicial workload, establish recommended caseloads, and assess the need for judges. *See* ch. 98-422, L.O.F.

The Senate President directed the Judiciary Committee to conduct an interim study analyzing the case management techniques employed in the civil divisions of each of Florida’s 20 circuits. This report is the product of this interim study and focuses on computerized case management systems. This report discusses the various computerized case management systems currently utilized or being implemented and concludes with a staff recommendation.

METHODOLOGY

The Judiciary Committee staff researched and reviewed the literature, statutes and rules of court relevant to this study. Staff also reviewed data pertaining to population, judicial filings, court technology and technology costs, which was provided by the Office of the State Court Administrator (OSCA). Informal meetings and numerous telephone interviews were conducted with OSCA personnel, chief judges, trial court administrators and court technology personnel.

Additionally, site visits were conducted at the main courthouses in the 11th Circuit (Miami-Dade County), 15th Circuit (Palm Beach County), and the 17th Circuit (Broward County). On August 2, 1999, meetings with the chief judges, trial court administrators and court technology personnel were held in West Palm Beach (15th Circuit) and Ft. Lauderdale (17th Circuit). A meeting with the trial court administrator and court technology personnel in Miami (11th Circuit) was held on August 3, 1999. The site visits were designed to give Judiciary Committee staff live demonstrations of the existing and planned computer software case management systems in order to educate staff and identify areas of special needs and concerns.

FINDINGS

CURRENT SITUATION

According to the 1999 Judgeship Needs Applications submitted by the chief judges of 18 of Florida’s 20 circuits, 15 of the responding circuits employ some type of computerized case management systems for their criminal divisions. However, only six circuits have some form of computerized case management system operating in their civil divisions. Accordingly, at least 12 of the 20 circuits have no automated civil case management devices in place.

It is important to note that a circuit’s lack of an automated case management or case tracking system does not mean the judicial system as a whole has no automated tracking system. The clerks in each circuit have various types of computerized case tracking systems which are separate and distinct from any system a circuit may have in place. Those circuits that have no computerized case management or tracking systems in their civil divisions rely on information provided to them by the clerks’ offices.

The six circuits which have some type of computerized case management system in place, or are in the process of implementing one, are the Second, Sixth, Eleventh, Thirteenth, Fifteenth and Seventeenth circuits. With the exception of the Second Circuit, all of these circuits are deemed to be “urban circuits” by OSCA. Except for the Second and the Sixth Circuits, all of these circuits are one county circuits.

As of this date, none of these six circuits have a computerized civil case management system that is integrated with the clerks’ offices of each circuit. The

term “integrated” in this context means a system where the clerk and the court share a common server which allows both entities access to the same system. Currently, the six circuits have computerized systems that are either mainframe-based or server-based, but only court personnel have access to the system. Practically speaking, this means two separate entities (the court and the clerk) are using two separate systems, to which the other does not have access, in which they are basically recording the same information.

The impracticality of this scenario is frustrating to the chief judges, trial court administrators, court technology personnel, and clerk’s office staff. While the courts and the clerks are independent elected entities that must function together, Article V, Section 2, of the Florida Constitution and s. 43.26, F.S., provide that the chief judge of each circuit shall exercise administrative supervision over all the trial courts within the judicial circuit and over the judges and other officers of the court. Section 43.26(3), F.S., further provides that the chief judge shall be responsible to the Chief Justice of the Supreme Court for such information as may be required by the Chief Justice, including, but not limited to, caseload, status of dockets, and dispositions of cases in the courts. Section 43.26(2)(f), F.S., requires the chief judge “to do everything necessary to promote the prompt and efficient administration of justice in the courts over which he or she presides.” *See also* Rule 2.050, Florida Rules of Judicial Administration. Article V, Section 16, of the Florida Constitution provides that there shall be in each county a clerk of the circuit court. Pursuant to Chapter 28 of the Florida Statutes, the clerk of the circuit court is responsible for, among other things, recording and maintaining all official records, keeping progress dockets for civil and criminal matters, and charging, collecting and disbursing court related fees and fines. Finally, Rule 2.080(a) of the Florida Rules of Judicial Administration, entitled “Uniform Case Reporting System for Trial Courts,” requires the clerk of the circuit to report the activity of all cases before all courts within the clerk’s jurisdiction to the Florida Supreme Court in the manner and on the forms established by the Office of the State Courts Administrator.

Clearly, the administrative mandates set forth in the Florida Constitution, Florida Statutes and Florida Rules of Judicial Administration require separate, constitutionally elected officials to function together. This is not easily accomplished. Interviews conducted by staff indicate the biggest problems in establishing computerized case management systems are funding and

cooperation between the courts, clerks and counties. As will be discussed later, the cost of an integrated, client-server based civil case management system is extremely expensive and, depending on the size of the circuit, can total as much as \$10-15 million dollars. As of this date, only two circuits (13th and 15th) have been able to join the collective forces of the courts, clerks and counties to contract for totally integrated case management systems which will serve all divisions of the court (civil, criminal, family, juvenile and probate), and all entities involved in the judicial system (clerk, state attorney, public defender, sheriff, probation, etc.).

The computerized civil case management systems currently in place in the aforementioned six circuits allow the judges, judicial assistants and court administrators to track case progress, assign judges and produce batch reports. The case tracking portions of the systems provide for inquiry and update of case information, party information, docket entries and calendaring. The batch portion of the systems provide daily activity reports, daily judge calendars and information to prepare the State Reporting System (SRS) report required by Rule 2.080 of the Florida Rules of Judicial Administration. None of these systems are integrated with the clerks’ offices and, accordingly, duplicate information is being recorded and stored in separate systems. Additionally, most of these systems are not easy to use as they are mainframe-based and the user must use keystrokes, as opposed to point and click windows technology, to access the desired information. Furthermore, being mainframe-based, the systems require the creation of a new program every time new case management or statistical reports are requested. This is extremely time consuming and it can often take weeks to generate the requested information.

There are two approaches to updating electronic case management systems that are currently being used. One is to establish a totally integrated client server-based system and the other is to upgrade the existing non-integrated systems. The 11th Circuit (Miami-Dade County) is in the process of upgrading its current non-integrated system, which only provides for use by court personnel. The 15th Circuit (Palm Beach County) is in the process of implementing a totally integrated, client server-based network wherein the court, clerk, sheriff, state attorney, public defender and other entities will all be hooked up to the same system. Staff conducted site visits to both of these circuits.

11TH CIRCUIT CIVIL INFORMATION SYSTEM

The current civil case management system is an IDMS system running on an IBM mainframe computer. It was developed in 1984 to provide the capability of on-line case tracking, judge assignments, and batch reports for cases filed in county, circuit, and probate courts. The last major modification of this system added on-line access and automated scheduling of pre-trial calendars, automated reporting to the state, enhanced file tracking capabilities, and parallel case numbering systems for circuit and family court. *See* letter dated August 13, 1999, from Karen Taylor, Project Manager of the 11th Circuit's Court Information Technology Services Division.

One of the 11th Circuit's priorities is to establish a seamless computer network linking every court facility in Miami-Dade County. This network will provide the infrastructure needed to deploy newer, more flexible case management systems. The establishment of this network is a huge project involving wiring of nine buildings, the purchase and deployment of network hardware and telecommunications equipment, and the upgrade and/or replacement of over 500 personal computers. It is anticipated that by the end of 1999, 80% of the entire judiciary presiding in three of the four main courthouses will share a common network system, providing the capability of advanced communications such as video-conferencing and increasing the efficiency of circuit-wide operations. The circuit's ultimate goal will be realized when the remaining six facilities are linked during the year 2000.

Although the 11th Circuit's civil information system will not be integrated with the clerk's office, sheriff's office or any other entity, it should be noted that its current Criminal Justice Information System (CJIS) is integrated. The CJIS was made fully operational in 1992 after seven years in development and \$16.6 million in costs, which was funded by the 11th Circuit's Administrative Office of the Courts. The system has more than 3,000 programs and enables the court, state attorney, public defender, police and corrections department to keep track of defendants from the moment they are arrested and booked until the end of their trials, and sometimes even after appeals. The CJIS links with the National and State Criminal Information Centers, the FBI, local jail management and traffic systems, local police agencies and other federal agencies. More than 1.2 million persons and more than 1.4 million open and closed cases can be efficiently managed by the system, along with allowing 100 agencies and 9,500 users access to the system. Major features of the CJIS include automatic case creation

from jail booking, automated blind filing of cases, user friendly displays, criminal history checks by name or personal identifiers, on-line calendars for bond hearings and jail arraignments and numerous daily, weekly, and monthly reports.

15TH CIRCUIT JUSTICE INFORMATION SYSTEM

The 15th Circuit's Justice Information System Project was a joint effort between the court, clerk's office and Palm Beach County which was originally established to develop and implement an integrated information system for the criminal court system. In August of 1993, the project was expanded to include the establishment of a similar system for the civil court system. After an initial contract and implementation failed, a \$2.6 million contract was signed with Systems & Computer Technology, Corp. (SCT), in September of 1998 which will result in a totally integrated civil information system being fully operational on February 1, 2000. The total cost of implementing both the criminal and civil systems is projected to be \$5 million. Once implemented, the systems will be accessed and utilized by the court, clerk, sheriff, state attorney, public defender, jury assembly department, probation, the Department of Juvenile Justice, local law enforcement agencies and the public.

Systems & Computer Technology Corporation's product is known as the Banner Series for Courts. According to product information, the Banner Series is designed to provide the power and flexibility to help court managers, administrators, judges and clerks overcome the problems associated with steadily increasing caseloads, tight budgets, staffing limits, demands for management information, and the requirement for a vast array of statistical reports. The system is designed to accommodate on-line control of cases from commencement through disposition, integrating case data into a single, non-redundant database. The system includes four fully integrated components: docket management, document management, scheduling and accounts receivable.

The docket management module is used to gather information necessary to initiate and manage a case. This module supports case initiation with optional automated functions for case number generation, judge assignment, and association of parties and attorneys for the case. Throughout the life of the case, the docket management module allows the court to record all case actions in automated records, eliminating the need for extensive

paper files. Access to case information is protected by user-defined security levels that help to monitor confidentiality of sensitive information.

According to SCT, the information maintained by the docket management module provides the ability to do the following: classify cases by complexity; assign judges to cases randomly or automatically based on case type and/or complexity; assign judges to cases taking into consideration available time; maintain extensive audit trails of case updates, noting the individual making the entry; automatically generate docket entries; associate unlimited confidential notes with a case; link related cases; and cross-reference cases with case identifiers assigned by other entities and agencies.

The docket management module, as claimed in product literature, simplifies the time-consuming process of generating letters, notices, warrants, and other case-related mailings. This module automatically produces the correct mailing for each event based on the user-defined rules. Different notices may be generated for parties and attorneys, with both being automatically created just by scheduling an event.

The scheduling module automates development of master, individual, or hybrid calendars for each area of a court and implements real-time scheduling, conflict checks and tickler files. The information maintained provides the ability to: automatically generate events based on docket entries and number of days since filing; mass schedule high volume items such as motion hearings; perform schedule conflicts checking based on judge, room, date and individual judge working days and hours; provide on-line queries enabling the user to review schedules of individuals, days, and specific events, or any combination of these; and give immediate access to calendar details.

The accounts receivable module is used to assess charges and record payments associated with actions of the case. Charges and payments can be associated with the case or an individual party. The information maintained provides the ability to: automatically assess and collect for miscellaneous fees; automatically or manually apply payments to fees; generate detailed accounting receipts; maintains detailed audit trails of all charge and payment history by case or individual; automatically generate account distribution transactions; and create time payment plans.

In addition to the above features, the system will have the future capability to perform electronic imaging, or

scanning, of documents and electronic signatures. Additionally, the system will be able to accommodate electronic filing programs. There is no current data available on the cost of such functions.

It should also be noted that the 13th Circuit (Hillsborough County) is currently implementing a totally integrated case management system for its civil, criminal, family, juvenile, guardianship and traffic divisions. The 13th Circuit's case management system is also being provided by SCT and is almost identical to the 15th Circuit's system. The 13th Circuit's system is being funded by community investment taxes and each of the participating entities (court, clerk, sheriff, state attorney, public defender, etc.) There is currently no set date for when the system will be fully operational. The original contract price was \$6.6 million, not inclusive of costs generated due to change orders.

FUTURE SITUATION

In November 1998, Floridians approved Revision 7, a constitutional amendment initiated by the Constitution Revision Commission to shift most of the state court system costs from counties to the state. Revision 7 amended Section 14 of Article V of the Florida Constitution to specifically state the following:

(a) ...Funding for the state courts system,...except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law...

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system,...or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of...existing multi-agency criminal justice information systems,...Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state

courts system to meet local requirements as determined by general law.

Revision 7 also provided that the foregoing must be fully effectuated by July 1, 2004.

Although not expressly mandated, some contend Revision 7 now places the full burden on the state to fund any computerized civil case management system that is in existence or may be created in the future. Revision 7 seemingly requires the counties to continue to fund **existing** multi-agency criminal justice information systems, but is silent as to those that may be created in the future. As the legislature studies and implements the mandates of Revision 7, there will be additional data requirements and there will be an interest in improved efficiency.

In addition to Revision 7 studies, comprehensive reviews of Florida's court system's organization, jurisdiction, performance and policies are already underway. The Florida Supreme Court has established a number of committees to examine specific court issues. For example, the Judicial Management Council's Committees on Trial Court and District Courts of Appeal Performance and Accountability are responding in part to the legislative directive for the state court system to submit performance-based budgeting programs by January 15, 2000, as well as measures and standards by September 1, 2000. *See* ch. 94-249, L.O.F. The work of the Supreme Court's Article V Funding Steering Committee will dovetail in part with the Legislature's Revision 7 studies. Additionally, in response to a 1998 legislative appropriation based on an OPPAGA report recommendation (Report 97-67), the Florida Supreme Court's Delphi Policy Committee is developing a caseload weighting system to determine judicial workload, establish recommended caseloads, and assess the need for judges. *See* ch. 98-422, L.O.F.

RECOMMENDATIONS

The population of the state continues to rise each year and, with it, the judicial system is met with increasing demands. The court's ability to administer justice to Florida's citizens in an efficient, timely manner is becoming, and will continue to be, increasingly difficult. As new laws are created, new reporting requirements are instituted, and more services are placed upon the shoulders of the judicial system it will be imperative that the courts have the ability to effectively manage these areas.

The majority opinion of the chief judges, court administrators, and court personnel who were interviewed is that a totally integrated computerized civil case management system is the best mechanism available to effectively and efficiently manage the civil system. As there are no such systems in the state which are currently fully operational, there is no data available to compare the effectiveness of this type of system with the few non-integrated systems currently in place. It needs to be noted that all of the court administrators indicated there probably would be no way to determine from an empirical standpoint whether one system is more effective than the other as measurable data, such as case filings and dispositions, fluctuate from year to year. All of the administrators indicated the benefits would be measured by personnel reaction and perceived levels of productivity.

Clearly, the cost of implementing a totally integrated civil case management system is quite expensive. The 15th Circuit's projected overall cost is approximately \$5 million and the 13th Circuit has estimated its cost will be well over \$7 million. The 11th Circuit's integrated criminal case management system was \$16.6 million. However, the bulk of the costs are up-front as all of the administrators indicated the systems should be easy to upgrade in the future with relatively little associated costs.

It is highly unlikely that upgrading existing non-integrated systems would be as cost efficient. This would require not only the court's system to be upgraded, but, potentially pursuant to Revision 7, the systems of the clerk, the public defender, state attorney and any other entity involved in the court system as well. Since at least 12 of Florida's 20 circuits do not even have a computerized civil case management system in place, it seems to make the most sense to implement totally integrated systems in those circuits.

Based on the findings of this study, it is recommended that the Office of the State Courts Administrator be commissioned to monitor and fully study the feasibility and advisability of instituting fully integrated computerized civil case management systems in each of Florida's twenty circuits and review the impact of the systems in the 13th and 15th circuits. The study should be completed and the results finalized by October 1, 2000. The results of the study and the accompanying recommendations should be made available to the Legislature as it studies Revision 7 to Article V.

COMMITTEE(S) INVOLVED IN REPORT (*Contact first committee for more information.*)

Committee on Judiciary, 404 South Monroe Street, Tallahassee, FL 32399-1100, (850) 487-5198 SunCom 277-5198

MEMBER OVERSIGHT

Senators Scott and Silver